



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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MAR 10 2014

Mr. Eric Summa, Chief
Environmental Branch,
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

SUBJECT: Final Integrated Feasibility Report and Environmental Impact Statement
(FR/EIS), Lake Worth Inlet, Palm Beach Harbor, FL. CEQ No. 20130093

Dear Mr. Summa:

Consistent with the U.S. Environmental Protection Agency's (EPA) Clean Air Act (CAA) § 309 and National Environmental Policy Act (NEPA) § 102 (2)(C) responsibilities, EPA has reviewed the US ACE's response to our comments (June 3, 2013) on the Draft EIS an contained in this FEIS.

We appreciate and recognize the Jacksonville District's efforts to improve the quality of its EIS under the severe time and resource constraints it has faced implementing one of four national pilots project pursuant to the US ACE's new SMART Planning. There are still some unresolved issues remaining, please see the enclosed comments. We request these issues be addressed in either the Chief's Report or the Record of Decision. Please provide us with a copy. Thank you for the opportunity to review this FEIS. If you wish to discuss this matter further, please contact Beth Walls (404-562-8309 or walls.beth@epa.gov) of my staff.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office
US EPA Region4

Enclosure: EPA' comments on FEIS

Background

Lake Worth Inlet is the entrance channel to the Port of Palm Beach harbor connecting Lake Worth, a coastal lagoon with the Atlantic Ocean. The Port is located in Riviera Beach, Palm Beach County, Florida. The port consists of four wharves, 3 slips, and 17 berthing areas, and 156 acres of land. The proposed action's objectives are to reduce transportation costs, caused by vessel light loading, tidal delays, or insufficient depth, and improve vessel safety relating to insufficient width. The proposed action appears to have several components including deepening the inner channel from 33 to 39 feet, the entrance channel from 35 to 41 feet, and the Main Turning Basin from 33 to 39 feet and widening different segments of the channel. The channel widening component is the feature causing impacts to adjacent seagrass and hardbottom communities.

EPA Findings and Recommendations

Seagrass Impacts

EPA recommends the US ACE use the best available science consistent with NEPA¹ for appropriately determining environmental impacts, e.g., seagrass. It appears the US ACE's impact determination is inconsistent with NMFS findings.² The US ACE does not appropriately account for the temporal and spatial changes characteristic of the specific seagrass species known to inhabit the study area, important to the essential fish habitat designations of the area, and a designated Habitat Area of Concern. EPA recommends the US ACE explain the basis of its seagrass impact determinations and continue to coordinate with NMFS.

Seagrass and hardbottom mitigation

EPA recommends the US ACE seagrass mitigation proposal fully reflect seagrass impacts and be consistent with the best available science pursuant to NEPA. Additionally, the US ACE should explain why it selected seagrass and hardbottom mitigation sites determined to be non viable by the Palm Beach County Environmental Resources Management. The US ACE should explain why it did not choose the sites the County has identified as viable: one seagrass and two hardbottom mitigation sites.

We support NMPS findings that the permit should not be issued until the appropriate impacts and mitigation have been addressed to reflect the best available science consistent with those of the federal and county agencies tasked with this expertise.

¹ 40 CFR § 1500.2 (b) requires EIS to be supported by evidence that agencies have made the necessary environmental analyses. § 1502.24 requires agencies to insure the EIS' scientific integrity of the discussions and analyses in EIS. § 1500.1(b) requires the use of high quality information. § 1501.2(b) requires adequate detail. And § 1502.1 requires a full & fair discussion.

² Per NMFS' May 28, 2013 comment letter on the draft Ft. Worth Inlet EIS to Colonel Alan Dodd, Commander of the US ACE, Jacksonville District.

Water Quality – seagrass mitigation

US ACE's response to EPA's concern for the suitability of dredged material proposed to be used for seagrass mitigation purposes remains unaddressed.³ US ACE should provide a discussion of how and what protocols will be used to determine the dredged material used for seagrass mitigation will be tested and free of contaminants. .

Water Quality – saltwater intrusion into municipal drinking water supplies.

EPA recommends that the potential impacts to groundwater-dependent public water supplies remains be further addressed. The US ACE's statement: *It is unlikely that deepening Lake Worth Inlet would impact groundwater quality significantly,*⁴ remains unsupported by scientific studies, or other relevant information. We recommend the US ACE discuss the potential for the proposed dredging/pretreatment activities to impact any existing large solution cavities or sinkholes characteristic of Florida's geology, which could also increase the surficial aquifer's porosity. Also, the US ACE should discuss the direction and distance of municipal well fields' draw down curves and cones of depression to determine whether the proposed action will cumulatively aggravate existing salt water intrusion issues associated with residual salt water.

Air Quality

EPA notes significant improvement in the FEIS' air quality section regarding emission source identification. However, Table 2-8 (annual mean air quality data for Palm Beach County) still lacks concentration units for the five criteria air pollutants listed. EPA is unable to find where in the FEIS the realistic projection of future stationary and mobile source emissions to the design year 2067 have been made.⁵ Additionally, EPA is unable to find US ACE's response to its comment regarding a general air quality analysis for air toxics exposures in those neighborhoods and communities in proximity to the Port's operations.⁶ EPA recommends this be further clarified.

General Comments

- Habitat Equivalency Analysis and UMAM – the EIS continues not to provide an explanation their use in the text to inform the public.
- Baseline ecological information was not provided in the text, for example:
 - The FEIS did not address EPA's earlier comment to identify where the vegetative communities impacts discussions were incorporated by reference into this EIS.⁷ We

³ Per response to EPA-61 comment (p. 12 of Final EIS Comment Matrix (8-23-2013)).

⁴ Section 5.5.7, p. 5-18.

⁵ EPA-51 comment, p. 10 of Final EIS Comment Matrix (8-23-2013).

⁶ EPA-52 comment, p. 10 of Final EIS Comment Matrix (8-23-2013).

⁷ Section 2.5.1, p. 2-32.

recommend that US ACE provide a summary from earlier studies and identify where the study can be found.

- The FEIS did not address EPA's earlier comment to identify impacts to benthos as discussed in previous NEPA documents for Palm Beach Harbor. We recommend the US ACE provide a summary from earlier studies and identify where the study can be found.⁸

Storm Surge

The US ACE states *the difference in storm surge elevations (0.328 ft) between the with- and without-project condition is a minor increase compared to actual storm surge water level (10ft).*⁹ However, in low lying areas of Florida at or below sea level, such a minor amount can make a large difference in context of affected land area. We recommend that the US ACE should put the storm surge elevations in context of land elevation contours to determine the significance of this change of areal extent (land area impacts).

Alternatives

EPA recommends that the US ACE further clarify the feasibility of the comparison economic and environmental impacts associated the proposed action's deepening component with the use of the existing railroad system¹⁰ along Florida's Atlantic Coast connecting all of Florida's Atlantic Ocean ports to the nation, particularly in context of the ongoing deepening of both Port Miami and the proposed Port Everglades, which is planned for the near term.

Purpose and Need

EPA recommends the US ACE further clarify the proposed action's purpose and need. For example, there is a public perception the proposed deepening is necessary for sugar exports and for cargo.¹¹ However, the US ACE's response to EPA's draft EIS comments indicates the proposed action's purpose is targeted to bulk vessels and tankers shipping cement, molasses, and petroleum, not sugar,¹² not cargo/ container vessels.¹³

⁸ Section 2.5.5., p. 2-40.

⁹ EPA-55 comment, p. 11 of Final EIS Comment Matrix (8-23-2013).

¹⁰ EPA-15 comment, pp. 4-5 of Final EIS Comment Matrix (8-23-2013).

¹¹ Port dredging project to help economy, local beaches, (March 2, 2014)

<http://www.palmbeachdailynews.com/news/news/opinion/port-dredging-project-to-help-economy-beaches/nd3zs/>

¹² Response to EPA-7 comment, p. 3 of Final EIS Comment Matrix (8-23-2013).

¹³ Response to EPA-4 comment, p. 3 of Final EIS Comment Matrix (8-23-2013).